

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL FRIEDMANN,

Plaintiff,

v.

PACIFIC LUTHERAN UNIVERSITY,
et al.,

Defendant.

CASE NO. 3:25-CV-5080-DGE

REPORT AND RECOMMENDATION

Noting Date: March 11, 2025

Plaintiff Michael Friedmann has filed an application to proceed *in forma pauperis* (“IFP”) in the above-entitled action. Dkt. 1. After careful consideration of the application, the governing law and the balance of the record, the Court RECOMMENDS as follows:

- (1) Because Plaintiff does not appear to have funds available to afford the \$405.00 filing fee, Plaintiff financially qualifies for IFP status pursuant to 28 U.S.C. § 1915(a)(1). Therefore, the Court recommends granting Plaintiff’s IFP application.
- (2) The Court recognizes Plaintiff’s Complaint is not a model of clarity, but finds, at this early stage, Plaintiff should be allowed to proceed in this action against Defendant Pacific Lutheran University (“PLU”). The Court notes that it is

possible Plaintiff has not stated a federal claim. For example, Plaintiff alleges First Amendment and Fourteenth Amendment claims against PLU, which would proceed under 42 U.S.C. § 1983, but fails to show PLU acted under color of state law. *See Massey v. Biola Univ., Inc.*, 2022 WL 671021, at *1 (9th Cir. Mar. 7, 2022) (finding no First Amendment or due process claims where the plaintiff failed to show Biola University was acting under color of state law); *Heineke v. Santa Clara Univ.*, 965 F.3d 1009, 1013 (9th Cir. 2020) (reasoning that receipt of government funds “is insufficient to convert a private university into a state actor.”). However, there is limited legal authority about whether Plaintiff may have stated a Title IX claim because he was allegedly discriminated against based on his use (or lack thereof) of pronouns. Therefore, at this time, the Court finds Plaintiff’s Amended Complaint is sufficient enough to warrant granting his application to proceed IFP.

Objections to this Report and Recommendation, if any, should be filed with the Clerk and served upon all parties to this suit not later than **fourteen (14) days** from the date on which this Report and Recommendation is signed. Failure to file objections within the specified time may affect your right to appeal. Objections should be noted for consideration on the District Judge’s motions calendar **fourteen (14) days** from the date they are filed. Responses to objections may be filed by **the day before the noting date**. If no timely objections are filed, the matter will be ready for consideration by the District Judge on **March 11, 2025**.

Dated this 24th day of February, 2025.



David W. Christel
United States Magistrate Judge